

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

CLIFFORD J. SCHUETT,

Plaintiff,

v.

GOVERNOR OF THE STATE OF  
WASHINGTON,

Defendant.

CASE NO. C14-5634 BHS

ORDER ADOPTING REPORT  
AND RECOMMENDATION

This matter comes before the Court on the Report and Recommendation (“R&R”) of the Honorable J. Richard Creatura, United States Magistrate Judge (Dkt. 7), and Plaintiff Clifford Schuett’s (“Schuett”) objections to the R&R (Dkt. 9).

On October 21, 2014, Judge Creatura issued the R&R recommending that the Court dismiss Schuett’s complaint for failure to allege personal participation. Dkt. 7. On October 31, 2014, Schuett filed objections contending that he is not allowed to send in an amended complaint because it weighs more than he is allowed to mail. Dkt. 9.

The district judge must determine de novo any part of the magistrate judge’s disposition that has been properly objected to. The district judge may accept, reject, or

1 modify the recommended disposition; receive further evidence; or return the matter to the  
2 magistrate judge with instructions. Fed. R. Civ. P. 72(b)(3).

3 Although Schuett may not be able to mail a full amended complaint, the Court  
4 only requested facts showing Defendants' personal participation in the alleged violation.  
5 Schuett could have done so in either a smaller amended complaint or in his objections to  
6 the R&R, but he failed to do so. Therefore, the Court having considered the R&R,  
7 Schuett's objections, and the remaining record, does hereby find and order as follows:

- 8 (1) The R&R is **ADOPTED**;
- 9 (2) Schuett's complaint is **DISMISSED**; and
- 10 (3) The Clerk shall close this case.

11 Dated this 26th day of November, 2014.

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13 BENJAMIN H. SETTLE  
14 United States District Judge

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